



Office of Human Rights

Bureau of Consumer Rights
Division of Behavioral Health Services
Arizona Department of Health Services

Special Assistance



Pre-Test

Please take the pre-test on Special Assistance (see handout).



Objectives

After completing this training you will be able to:

1. Describe the basics of Special Assistance.
2. Apply the criteria to determine whether an individual determined to have a Serious Mental Illness is in need of Special Assistance.
3. Properly document the determination of whether an individual is in need of Special Assistance in the clinical record.

Objectives (cont.)

After completing this training you will be able to:

4. Follow the process to notify the Office of Human Rights (OHR) and the Regional Behavioral Health Authority or Tribal Regional Behavioral Health Authority (T/RBHA).
5. Take steps to ensure the person meeting the individual's Special Assistance needs is involved in service and discharge planning, grievances, appeals and investigations.

What Is Special Assistance?

In a nutshell, Special Assistance is:

The support and help provided to an individual who is unable - due to a specific condition - to communicate his or her preferences and/or to participate effectively in the development of his or her service plan, discharge plan, the appeal process and/or grievance/investigation processes.

General Requirements

An individual who has been determined to have a Serious Mental Illness (SMI) is in need of Special Assistance if, according to a qualified assessor (see slide #9), he/she is unable to do any of the following:

- Communicate preferences for services
- Participate in service planning (ISP) or inpatient treatment and discharge (ITDP) planning
- Participate in the appeal, grievance, and/or investigation processes.



AND



General Requirements (cont.)

The individual's limitations are due to any of the following:

- Cognitive ability
- Intellectual capacity
- Language barrier (other than a need for an interpreter/translator)
- Medical issue (including, but not limited to, psychiatric symptoms)

General Requirements: Qualified Assessor

The Arizona Administrative Code and ADHS/DBHS policy provide that the following can determine whether an individual enrolled as a Person with a SMI is in need of Special Assistance, hereinafter “qualified assessor:”

- Qualified Clinician
- Case Manager
- Clinical Team of T/RBHAs
- T/RBHA
- Program Director of a Subcontracted Provider
- ADHS/DBHS Deputy Director
- Administrative Hearing Officer

General Requirements: Criteria to Consider

What criteria should be considered when looking at whether the individual has a condition that impacts the ability to participate effectively? Discuss.



General Requirements: Criteria to Consider (cont.)

The criteria to consider are the existence of any of the following conditions* that affects the individual's ability to communicate preferences and participate effectively in treatment planning, discharge planning, appeals process, and/or grievance/investigation processes:

- cognitive impairment/significantly diminished intellectual capacity, for example: mental retardation, borderline intellectual functioning, etc.
- Language barriers, for example: an inability to communicate that extends **beyond** what an interpreter/translator can address
- Medical conditions, for example: a traumatic brain injury, dementia, severe psychiatric symptoms, etc.

*Please note that individuals who have been deemed incapacitated pursuant to a guardianship (not including limited guardianship) automatically meet criteria for Special Assistance.

General Requirements: Criteria to Consider (cont.)

The qualified assessor should determine whether the individual can participate effectively despite the presence of any of these conditions.

- Effective participation means that the individual can contribute to the treatment planning, investigation, grievance and/or appeal processes, but **does not** mean that the individual must know and understand every step of the process.
- An individual who needs things explained in simpler terms or takes additional time to understand information does not—based on these facts alone—meet the criteria for Special Assistance.



Special Needs vs. Person in Need of Special Assistance

An individual with special needs is not automatically in need of Special Assistance. Some examples of an individual with special needs is someone who:

- Does not speak English
- Does not know how to read or write
- Is deaf, hard of hearing, blind or has a physical disability
- Needs specialized treatment

Special Needs vs. Person in Need of Special Assistance (cont.)

- The clinical team/T/RBHA/provider is required to arrange for a qualified interpreter/translator, staff who speak the language fluently or other reasonable accommodations to meet the individual's special needs.
- An individual who has a special need, does not generally meet the criteria for Special Assistance. A notification to OHR about an individual with a special need is **not** required.
- However, on occasion, the individual may, despite the accommodation for the special need, be unable to participate effectively in the ISP, ITDP, grievance, investigation or appeal processes. The qualified assessor should make the notification, indicating the specific condition that affects the ability to participate effectively.

Review of General Requirements

To make the determination of whether an individual is in need of Special Assistance the qualified assessor must:

- Be familiar with the individual
- Look at the totality of the circumstances, or the “big picture,” with respect to any factors affecting the individual’s ability to participate effectively
- Recognize that “special needs” or other factors, such as an individual who needs extensive engagement to encourage participation in recovery, are not Special Assistance needs



REQUIRED PROCESS

The qualified assessor must:

1. Assess whether an individual determined to have a SMI is in need of Special Assistance using the criteria discussed above.
 - Document in the clinical record the details: date assessed, specific circumstances considered and whether or not the individual meets criteria for Special Assistance.



REQUIRED PROCESS (cont.)

2. Within three (3) working days of identifying the individual as in need of Special Assistance, notify the Office of Human Rights (OHR) and the Regional Behavioral Health Authority (RBHA) using the Special Assistance form, Part A.
 - If assistance is needed immediately, submit the notification immediately and contact OHR to inform of the urgency.
 - Attempt to inform the individual about the notification.

REQUIRED PROCESS (cont.)

- IMPORTANT: If the individual meets the Special Assistance criteria, the qualified assessor must identify the individual as such, regardless of whether there is a guardian, designated representative, family member or friend involved. If the qualified assessor believes someone is currently meeting the Special Assistance need, the form must be submitted to OHR, indicating on the form the person's name, relationship, contact information and what assistance the person is providing.

REQUIRED PROCESS (cont.)

OHR will then:

1. Review the information provided to ensure the individual meets the basic criteria for Special Assistance and, if necessary, request additional information from the qualified assessor.



REQUIRED PROCESS (cont.)

2. Within three working days of receipt of the notification (or, if requested, receipt of any additional information),* complete and return Part B of the notification form to the clinical team and RBHA. The completed Part B will indicate
 - Whether the individual meets the basic criteria
 - If so, the name, relationship, and contact information for the person providing the assistance to meet the individual's needs (this could be a guardian, family member, friend, OHR advocate, etc).

***In the event three working days pass and OHR has not contacted the qualified assessor, please contact OHR.**

REQUIRED PROCESS (cont.)

3. Based on the information the team provides, OHR will determine whether someone is currently meeting the Special Assistance need or if the individual needs an advocate assigned.
4. If a guardian or another person is currently meeting the Special Assistance need, OHR will make contact to inform them of the Special Assistance status and to offer information about OHR and the process to request direct or technical assistance.
5. If OHR assigns an advocate, the advocate will contact the person in need of Special Assistance to begin developing a rapport, explain the advocate's role and discuss the specific Special Assistance needs.

REQUIRED PROCESS (cont.)

6. The OHR advocate will also contact the team for relevant records and the status of any matters scheduled that relate to OHR's provision of Special Assistance.
 - When OHR staff requests records for an individual to whom OHR is assigned to meet the Special Assistance needs, OHR will customarily provide an Authorization for Release of Information (ROI) signed by the client, even though it is not required (with the exception of information regarding substance use and HIV/AIDS).
 - In the event OHR staff does not provide an ROI, the team should conclude OHR was unable to obtain an ROI and release the records with any information on substance use and HIV/AIDS redacted.

REQUIRED PROCESS (cont.)

What happens when an individual is no longer in need of Special Assistance?

- The qualified assessor must notify OHR within ten days of the determination that the individual is no longer in need of Special Assistance.
- The notification on Part C of the original Special Assistance form must include:
 - the reason(s) that the individual no longer meets the criteria to be in need of Special Assistance
 - the date and name, position and contact information of the person submitting the form

REQUIRED PROCESS (cont.)

Review Sample Special Assistance notification forms (see handouts).



Activity: Question 1

Antonia is a 19 year old female who is diagnosed with bipolar disorder and severe mental retardation. She is a person enrolled with a SMI. She has a guardian. Antonia's cognitive impairment affects her ability to communicate her wishes and her participation in ISP meetings. She currently has a potential service issue that may require the filing of an appeal.

Is Antonia in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

Activity: Question 2

Augusto is a 32 year old male who lives in his own home. He is diagnosed with major depression and is a person enrolled with a SMI. He does not like to venture outside of his house very often, although he is willing to come to the clinic for the meeting. His first language is Spanish and he does not speak, read nor write English well. He is newly enrolled and his ISP is scheduled for next week. He is willing to come to the clinic for the meeting as long as transportation is provided.

Is Augusto in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

Activity: Question 3

Johnny is a 25 year old male. He is diagnosed with schizophrenia and is a person enrolled with a SMI. Over the past year, he has been hospitalized three times for a total of eleven months. His symptoms are so acute that they are currently affecting his cognition - he has difficulty processing information and responding to questions. He believes that the FBI is monitoring him and that the inpatient and outpatient team members are undercover FBI informants. As a result, he is fearful about participating in discharge planning and also appears unable to respond to basic questions about his preferences with respect to discharge due to the effects of his condition on his cognition.

Is Johnny in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

Activity: Question 4

John is a 46 year old male who is currently in an inpatient setting. He is a person who is enrolled with a SMI, and is diagnosed with depression and PTSD and borderline intellectual functioning. He has a limited guardianship in place – with a guardian for medical issues only (does not include psychiatric issues). John has difficulty remembering people, including those he has recently met. He has difficulty processing ideas and thoughts. When asked a question he usually does not respond to the question and instead talks about random events and things, most likely because he is not comprehending the question asked. For example, when asked if he knows what his treatment plan is his response is “I like carrots, tomatoes, broccoli, and radishes....I also buy 18 yogurts when I go to the store.”

Is John in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

Activity: Question 5

Juanita is a 55 year old female who has schizoaffective disorder. She is a person enrolled with a SMI. Juanita suffered a traumatic brain injury (TBI) when she was struck by a vehicle 20 years ago. Juanita needs assistance with her activities of daily living and needs assistance in helping her recognize and avoid hazards. Juanita has trouble with recall memory and experiences extreme difficulty with communicating her thoughts and ideas.

Is Juanita in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

Activity: Question 6

Tony is a 65 year old male diagnosed with anxiety disorder and mild mental retardation and is enrolled as a person with a SMI. He uses a wheel chair for a physical disability. He lives in his own apartment and because of his limited mobility and anxiety issues, he does not leave the apartment often. Despite having mild mental retardation, he is able to communicate, as long as staff takes the time to explain things and uses more basic language. He participates well in ISP planning every six months. He currently has a grievance pending and does not want to be interviewed at the RBHA site because of his limited ability to leave the apartment.

Is Tony in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

Activity: Discussion & Review

Please discuss answers.

Review criteria and process.

Review notification form.



Clinical Team Responsibilities

- Assess all individuals who are enrolled with a SMI to see whether they are in need of Special Assistance during the initial assessment process and on an on-going basis thereafter. Document the details in the clinical file. Minimally, the assessment should occur
 - prior to ISP meetings and reviews,
 - prior to ITDP meetings and reviews,
 - when a grievance or an appeal is filed, or
 - when conditions exist that may constitute a basis for filing a grievance or an appeal.

Clinical Team Responsibilities (cont.)

- Reply promptly to OHR requests for additional information regarding the request for Special Assistance. No ROI is needed to share information with OHR with respect to the notification of an individual in need of Special Assistance.
- Maintain the Request for Special Assistance form in the individual's comprehensive clinical record (depending on the T/RBHA, this could also include documenting it in the ISP, Part E, face sheet, and progress notes).

Clinical Team Responsibilities (cont.)

Contact the OHR advocate or the person meeting the Special Assistance needs when their involvement is required:

- ISP planning and reviews (including any time the individual is making decisions about service options, a service is being modified, or a service is being terminated)
- ITDP planning (this includes any time a person goes into an inpatient setting)
- Investigation, grievance or appeal processes (or when filing a grievance or appeal may be warranted).

Clinical Team Responsibilities (cont.)

- Inform the individual in need of Special Assistance of such and explain the benefits of having an advocate or another person involved to assist with meeting the Special Assistance need(s).
- Ensure open communication is maintained with OHR and the assigned advocate, guardian, family member, or friend who is meeting the Special Assistance need.
- Follow the internal process for the reporting of Special Assistance to the T/RBHA Administration.

Clinical Team Responsibilities (cont.)

For the individuals in need of Special Assistance whose guardian, family member, or designated representative is meeting their needs, keep the T/RBHA updated (per the established process) on any change in information for the individual, including:

- Individual's contact information.
- Assigned case manager: name and contact information
- Person meeting the needs: name and contact information

OHR Responsibilities



- OHR maintains a list of individuals in need of Special Assistance, the areas of need, and who is addressing the needs.
- OHR reviews grievances and appeals filed by individuals in need of Special Assistance and as needed, provide assistance in resolving them.
- OHR prepares reports as follows:
 - Monthly reports for the Human Rights Committee for each region
 - Quarterly reports for each T/RBHA.

OHR Responsibilities (cont.)

- As needed, OHR provides advocacy to meet the Special Assistance needs of individuals.
- The assigned OHR advocate communicates with the individual and the clinical team on an on-going basis and ensures that the specific Special Assistance needs are being met.
- If an individual's Special Assistance need is being met by a guardian, family member or friend, OHR will share information with them about OHR and how to request technical or direct assistance, when needed.

Other Requirements

- The Human Rights Committee (HRC) for the region is responsible for making regular visits to the residential settings of individuals identified as in need of Special Assistance to ensure that their needs are being met and to determine their satisfaction with the care.
 - HRC members do not need an Authorization for Release of Information (ROI) in order to visit individuals in need of Special Assistance.
 - HRC members generally need a ROI to view individuals' records.
- The individual, a guardian or a designated representative can appeal the determination that a person needs (or does not need) Special Assistance through the SMI appeal process.

Resources

- Arizona Administrative Code, R9-21-101.B.13 and R9-21-301.C.1 & 2
- FAQs (version 3/2/06) – see handout
- DBHS Policy and Procedures GA 3.4*
- ADHS/DBHS Provider Manual section 5.4*

*Please note that DBHS is currently revising this to clarify the process and the criteria used to identify persons in need of Special Assistance.

Post-Test

Please take the post-test (see handout).

If you have outstanding questions, please contact the training facilitator or the Office of Human Rights.



Contacts

If you have questions about Special Assistance,
call your T/RBHA/provider or the Office of
Human Rights:

Phoenix: 602-364-4585
 1-800-421-2124

Tucson: 520-770-3107/3108
 1-877-524-6882

Flagstaff: 928-214-8231

Acknowledgments

The original version of this training was prepared by the Office of Human Rights with input from:

Cenpatico

NARBHA

CPSA

ValueOptions

This training will be updated on a periodic basis and made available on the Office of Human Rights page of the ADHS/DBHS website.